IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3432 OF 2005
IN
APPEAL (LDG.) NO.1160 OF 2005
IN
ARBITRATION PETITION NO.247 OF 1997
IN
AWARD NO.197 OF 1997

Vijay Jaiswal, Prop.of M/s.Three Circles ...Appellants
V/s.
M/s.Elernit Everest Ltd. & Anr. ...Respondents

Mr.Ram B. Pandey i/b Mr.U.S. Samudrala for the Appellants.
None for the Respondents.

CORAM : DR.S. RADHAKRISHNAN &
S.J. VAZIFDAR, JJ.
DATED : 21ST APRIL, 2006.

P.C. :

1. Heard the learned counsel for the Appellant. None appears for the Respondents though served. The learned advocate for the Appellant undertakes to file affidavit of service. Perused the affidavit in support of the Notice of Motion. For the reasons stated in the affidavit in support of the Notice of Motion, sufficient cause is made out for condoning the delay of 43 months and 28 days. There is no case of inaction, negligence or want of bona-fide on the part of the Appellant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)